

APPEAL NO. 021777
FILED AUGUST 20, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on May 24, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and did not have disability.

The claimant's request for review only gave a reason why he had missed his last scheduled hearing. The respondent (carrier) responded that the claimant's appeal was untimely, and even if it was timely, it does not warrant a remand. The carrier urges affirmance.

DECISION

Affirmed.

On the issue of timeliness, our review of the envelope containing the claimant's appeal would indicate that it was mailed on or before July 11, 2002, and was received on July 12, 2002. We hold the claimant's filing to be timely. See Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(c) (Rule 143.3(c)).

The claimant's case was originally scheduled for March 13, 2002; however, the claimant called in and explained that he had transportation problems. After waiting a period of time, the hearing officer apparently sent the claimant a 10-day letter. Apparently, the claimant contacted the Texas Workers' Compensation Commission (Commission) and the case was rescheduled for May 24, 2002. The claimant again did not appear but apparently called to say he had been delayed. After waiting over one hour, the hearing officer again sent the claimant a 10-day letter, dated May 24, 2002, to the claimant's last known address giving the claimant until June 3, 2002, to appear and show good cause why he had failed to appear at the CCH. The hearing officer recites that as of June 10, 2002, no response had been received from the claimant. The hearing officer closed the record on June 10, 2002, and issued a decision and order stating that the claimant had the burden of proof to show that he sustained an injury on _____, and had disability and that the claimant failed to carry his burden of proof.

Nothing in the claimant's correspondence indicates why he failed to respond to the May 24, 2002, 10-day letter or otherwise advise the Commission of his circumstances.

Accordingly, the hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Elaine M. Chaney
Appeals Judge